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**From:** admin@foiaonline.gov [admin@foiaonline.gov]  
**Sent:** 6/29/2023 11:37:35 PM  
**To:** perseverance2013@ [Ex. 6 Personal Privacy (PP)]  
**Subject:** FOIA Expedited Processing Disposition Reached for EPA-2023-005081

Your request for Expedited Processing for the FOIA request EPA-2023-005081 has been denied. Additional details for this request are as follows:

- Request Created on: 06/28/2023
- Request Description: Expedited FOIA Request EPA 23-B. Records of FOIAonline Help Desk Ticket FOH-123563, Cases missing from his account [perseverance2013@ [Ex. 6 Personal Privacy (PP)]]

See PDF for full request.

1. Records of EPA's execution of a shell script offered by Mohammad Shaikh, James Horner, or any other scripts by any party in connection with Help Deck Ticket FOH-12356.
2. All records from May 18, 2023 to present related to FOIAonline Help Deck Ticket "FOH-123563" Cases missing from his account [perseverance2013@ [Ex. 6 Personal Privacy (PP)]] including but not limited to:
  - a. Records of a Standup on May 18, 2023 to discuss the matter cited by Jeff Edwards in an 5/18/2023 12:21:59 PM email.
  - b. All internal help desk case records conducting analysis and communicating with any party by email, text, or other means. One such email is FOIA Online HD jira@cnsshelpdesk.atlassian.net which provides the email construct for other helpdesk personnel (@cnsshelpdesk.atlassian.net).
  - c. All records of communications with and documents provided by Robert Hammond, perseverance2013@ [Ex. 6 Personal Privacy (PP)]
  - d. All records of communications with - and documents provided by - Robert Hammond, foiacompliance@ [Ex. 6 Personal Privacy (PP)] FOIAcomplaine@ [Ex. 6 Personal Privacy (PP)] DOD.FOIA.PA@ [Ex. 6 Personal Privacy (PP)] confirmed receipts, forwarding of emails and responses to them.
  - e. All records of communications by and with Johnson, Laura-S Johnson.Laura-S@epa.gov, including communications with the FOIA Advisory Committee, Department of Navy, confirmed receipts, forwarding of emails, and responses to them.
  - i. Some Department of Navy addressees may have been 'christopher.a.julka@navy.mil'; DONFOIA-PA@navy.mil
  - f. All records of communications by and with Thompson, BrianK , including communications with the FOIA Advisory Committee, Department of Navy, confirmed receipts, forwarding of emails, and responses to them.
  - g. All records of communications by and with 'Edwards, Jeff' Edwards.Jeff@epa.gov including communications with the FOIA Advisory Committee, Department of Navy, confirmed receipts, forwarding of emails, and responses to them.
  - h. All records of communications with any FOIAonline participating partner regarding Help Deck Ticket FOH-12356 or nay records missing from their accounts.
  - i. Closeout records of case Help Deck Ticket FOH-12356.
3. I am also seeking a copy of this FOIA Request, which is an Agency record subject to FOIA that exists and is in the Agency's possession at the time of my FOIA request. This record is a responsive record integral to my Request. Release of the Agency's copy is not optional.

REQUESTED FORMAT.

I am also seeking records in their native format (MS. Outlook, PowerPoint, Excel, ADA accessible PDF files or

other mutually agreed by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records via email in PDF format with an imbedded copy of my requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency's letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done.

Further, I request that these records be sent in any digital formats in which they exist (such as PDF and Excel). Under the terms of the E-FOIA Amendments of 1996, Section 5, if a document exists in electronic format, it must be released in that format upon request.

Each record must be provided as a distinct record in their native format. Emails should be provided as MS Outlook files, if not encrypted or otherwise unable to be opened by me. Only if this is not possible, emails should be produced with their embedded hyperlinked attachments by using the "File => Save as Adobe PDF" command within Outlook or by other software that produces the same result.

I am also seeking the "Description Available to the Public" field I FOIAonline be set to yes and that all records be released to and viewable in the application by the general Public. The release type must be set to "Unredacted – Releasable to the General Public: Will be available to the general public," or to "Redacted – Releasable to the General Public: Will be available to the general public."

This request is distinctly separate from any other. Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the reply.

In all correspondence, return a copy of my FOIA request, cite my personal request number, and cite records sought.

- Expedited Processing Original Justification: EXPEDITED PROCESSING.

I am seeking expedited processing due to:

"an urgency to inform the public about an actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public."

- The information sought involves possible questions about the government's integrity that affect public confidence related to the integrity of FOIAonline records, haphazard disestablishment of FOIAonline and potential wide-spread data quality issues.
- The subject is of widespread and exceptional interest.

- I am a person "primarily engaged in disseminating information to the public."

Between January 2, 2023 and February 3, 2023 (one month) seventy-one (71) of my two hundred sixty-two (262) Navy FOIA cases from 2017 forward have been deleted from FOIAonline or I have been denied access to them. This is extremely serious. EPA must determine who did this, how it happened, and if this is unique to me. See "FOIAonline Compare January 2, 2023 to February 3, 2023 Missing Cases Navy" provided by email. Either there was intentional misconduct (possibly involving Navy) or gross malfeasance in the disappearance of or removal of access to my FOIAonline records and whether this issue is widespread among other participating agencies.

There is intense interest/angst in matters surrounding FOIAonline and its decommissioning, so much so that Laura Johnson was added last minute to brief the FOIA Advisory Committee on March 2, 2023. At that meeting:

"Mr. Howard asked two questions: first, how records are being transferred, and second, how EPA is ensuring that no data is lost or becomes unavailable to the public."

Despite assurances from EPA that everything was fine, I discovered and days later reported to Ms. Johnson and the FOIA Advisory Committee that seventy-one (71) of my two hundred sixty-two (262) Navy FOIA cases from 2017 forward have been deleted from FOIAonline or I have been denied access to them.

Having received no reply as to what happened, I notified my 1,200 plus FOIA distribution list of media, Chief

FOIA Officers, FOIA professionals, FOIA/Open records Advocacy groups and interested parties of the unresolved debacle. There is a thirst among the FOIA community to know exactly what happened. Note that EPA's FOIA regulation, 40 CFR Subpart A—Procedures for Disclosure of Records Under the Freedom of Information Act § 2.106 Preservation of records is in violation of law citing General Records Schedule 14, which was superseded by NARA Transmittal 29 of December 2017. This alone is of great public interest.

Additionally, I am an individual/organization primarily engaged in the dissemination of information who can prove the information is urgently needed to inform the public concerning some actual or alleged government activity. My primary activity is informing the public, which I do through a variety of means, such as open meeting public comments, blogs, etc., and I may from time to time collaborate on articles. There is extraordinary, off the charts interest in this matter. I make oral public comments at every open FOIA meeting. I have an active email distribution list of over 1,200 Chief FOIA Officers, FOIA professionals, FOIA advocacy groups media and interested parties via various email accounts including but not limited to foiacomplaine@Ex. 6 Personal Privacy (PP) dod.foia.pa@Ex. 6 Personal Privacy (PP) and others. I also communicate regularly with members of Congress.

- See examples below.

- Public Comments Submitted to the Chief FOIA Officers Council <https://www.archives.gov/ogis/about-ogis/chief-foia-officers-council>

- Public Comments Submitted to the FOIA Advisory Committee | National Archives <https://www.archives.gov/ogis/foia-advisory-committee/public-comments>

- OGIS Annual Open Meeting Public comments <https://www.archives.gov/ogis/outreach-events/annual-open-meeting>

- Document Cloud. Org <https://www.documentcloud.org/app?q=%2Buser%3Arobert-hammond-106693%20> (e.g., "Sample FOIA Template With Recent Developments to Combat Agency Misconduct.")

EPA must evaluate all my public comments along with my methods of dissemination and state that it has done so in any denial of expedited processing.

- The subject of the requested records concerns government operations and activities
- The disclosure is likely to contribute to understanding of these operations or activities
- Disclosure will likely result in public understanding of the subject
- The contribution to public understanding of government operations or activities will be significant
- The requester has no commercial interest
- The public interest in disclosure is great.
- I use "editorial skills to turn the raw materials into a distinct work."
- My work is distributed to an audience with active distribution of over 1,200 plus members of the media, Chief FOIA Officers, FOIA professionals, FOIA/Open records Advocacy groups and interested parties.

FEE WAIVER/ PUBLIC INTEREST/PUBLIC RELEASE. Notwithstanding my agreement to pay fees below if my fee waiver is denied, I am seeking a fee waiver due to significant public interest in this information. The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest. See below AGREEMENT TO PAY FEES and EXPEDITED PROCESSING for justification. Should EPA believe that further justification is needed, please advise me.

Should EPA believe that further justification is needed, please advise me.

- Expedited Processing Disposition Reason: Sent expedited processing determination to requester 6/29/2023